

REMARKS/ARGUMENTS

In the Office Action mailed January 19, 2010, claims 1, 8 and 9 were rejected under 35 USC §103(a) as being unpatentable over Sodemann et al. (7,148,580). Applicant submits that Sodemann et al. does not constitute prior art under the law. Moreover, applicant submits that Sodemann does not render claims 1 and 8-9 of the present application obvious.

Sodemann et al. has an issue date of December 12, 2006 and a publication date of April 21, 2005. Further, the application upon which Sodemann et al. is based has a publication date of February 10, 2005 and a filing date of Aug 6, 2003. In comparison, the present application is a PCT application with an international filing date of October 19, 2004 and claims priority upon a German application filed on October 24, 2003. Both the International filing date and priority date of the present application come before any publication of the cited reference and its parent application. In addition, the application from the present application claims priority was filed one and one-half years before any publication of Sodemann et al. and only two and one-half months after the filing of the parent application of Sodemann et al. Applicant submits that Sodemann et al. is not valid prior art given the priority date of the present application.

Regarding the substance of the stated rejection, Sodemann describes how the portable power source or pack is connected to the starter motor associated with the engine and is the primary source of starting power, i.e., ignition voltage, for the engine. (col. 5, ln. 46- col. 6, ln. 14) This is in contrast to the claimed invention, which requires that the "additional voltage source only provides the required control voltage prior to starting the combustion engine". (claim 1)

As described in the claims and written description, a combustion engine requires a supply voltage that is split into an ignition voltage and a control voltage. The ignition voltage is necessary to start the engine and the control voltage is necessary to regulate the other systems in the engine. The supply voltage is typically provided by a voltage generator the output of which varies with engine speed, which can experience significant variation at start-up. In the claimed invention, rather than split the already

variable voltage provided by the voltage generator into an ignition voltage and a control voltage, the control voltage is provided by the non-variable additional power source so that the entire supply voltage provided by the voltage generator can go to the ignition voltage. This configuration provides non-variable control voltage during start-up and significantly improves the starting behavior of the engine.

The applicant has added new claims 14 through 20 which recite the inventive method in a manner that is clearly distinguished from that which is taught by the cited prior art.

Applicant respectfully submits that the claims, as amended, are in condition for allowance, notice of which is respectfully requested.

Respectfully submitted,

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